

REMARKS

Initially, applicants wish to address paragraph 10 of the Office Action where the Examiner has made the current Office Action final, arguing that all claims are drawn to the same invention claimed in the earlier application.

This statement is not correct. In entering the previous amendment by the filing of the RCE, applicants amended claim 42 to depend on claim 41 rather than claim 1. Claim 41 in turn is dependent on claim 33, which is an independent claim directed to a liquid composition having pH less than 12 and comprising 0.05-45% by wt. surfactants and 0.01-10% by wt. specific antioxidants and having a defined viscosity. Any search of claim 42 dependent on claim 1 would have made no sense (which is why dependency was corrected) and therefore, until this amendment was made, the search of liquid compositions as noted above having specific sequestrants (i.e., citric acid or phosphate) could not have been made. As a consequence, art cited in the previous Office Action could not possibly have been cited against this new combination.

In short, claim 42 dependent on claim 41, in turn dependent on claim 33, is a new combination which has not (and could not) have been previously searched, and there is no art of record which could necessarily have been used against this new combination of claims. In view of this, it is respectfully requested that the finality of the application should be withdrawn. It should be noted that applicants have responded to this Office Action as a "Final" for procedural purposes only and the fact that it is noted as an Amendment Under 37 CFR §1.116 should not be construed and is not an admission of the finality of the Office Action.

Further in this regard, since this application should not be final, it is requested that the Information Disclosure Statement (which was originally mailed June 8, 2004, and not entered, and then subsequently was not considered when the RCE mailed August 3, 2004 was filed) now be entered under the provisions of 37 CFR §1.97(c). It is noted that 37 CFR §1.97(c) does not require a statement under 37 CFR §1.97(e), but

requires only payment of fee set forth under §1.17(p). To the extent authorization to pay such fee has not already been made, please consider this response authorization to charge the \$180.00 fee due under 37 CFR §1.17(p) to Deposit Account No. 12-1155. Please charge any additional fees or credit overpayment to Deposit Account No. 12-1155. As noted, please also consider the documents already submitted in the IDS mailed June 8, 2004.

Applicants would now like to address other substantive issues raised by the Examiner in the Office Action mailed October 19, 2004.

On page 3 of the Office Action, the Examiner rejects claims 1,2, and 52-54 over cited U.S. Patent No. 6,228,821 to Sliva (hereafter referred to as "Sliva"). Before going into detailed argumentation regarding the specific objections of the Examiner, applicants would like to briefly point out what applicants believe to be the essential difference between the present application and Sliva.

Sliva discloses a cleaning composition (column 2, lines 28 to 43) that can be used, among other things, as a hard surface cleaner (column 2, lines 44 to 48). Sliva also lists a number of antioxidants suitable for use in his formulations (column 7, lines 47 to 52), and explains that the effect intended by him is not achieved at antioxidant concentrations above 0.001%. In claim 1, Sliva limits the group of antioxidants to a specific group and to a concentration range of the antioxidant of 0.0000001 to 0.001%.

The present application, by contrast, discloses a method (page 5, lines 8 to12), wherein a surface is first treated with antioxidant (before the deposition of soil), soil is then allowed to deposit, and finally the surface is cleaned to remove the soil. A possible explanation for easier cleaning, when applying the method of the invention, is given on page 5, lines 22 to 27, where it is suggested that the presence of antioxidants on the surface (before soil deposits) prevents toughening of the soil, which can therefore be removed more easily. In claim 1 of the present application, as amended, the group of antioxidants is limited to: "tannic acid and its esters and salts, epigallocatechin gallate

and theaflavin digallate". Claim 33 and page 14, line 15 to page 15 line 10, for example, disclose that the antioxidant is present at a concentration of 0.01 to 10% by weight.

Arguments:

Referring to the rejection under 35 USC §103 over Sliva (paragraph 5), applicants maintain both that the method of use is different as set out above (i.e., first treated with antioxidant, then allow soil to deposit) and that the concentrations of the required ingredients is different. Indeed, at column 7, lines 47 to 52, Sliva explains that the effect intended by him is not achieved at antioxidant concentrations above 0.001% and, in claim 1, Sliva limits the group of antioxidants to a specific group and to a concentration range of the antioxidant of 0.0000001 to 0.001%. The present invention, on the other hand, comprises a specific antioxidant selected from tannic acid and its esters and salts, epigallocatechin gallate and theaflavin digallate and, on page 14, lines 15 to page 15, line 10, it is explained that the antioxidant is present at a concentration of 0.01 to 10% by weight (see claims 33 and 57).

Applicants would thus respectfully argue that the claims mentioned by the Examiner are patentable under 35 USC §103 because Sliva specifically states that the antioxidant concentration range of the present invention does not show the advantageous results of his invention (Sliva, column 7, lines 55 to 57). Although Sliva does disclose antioxidant levels above 0.001%, he actually dissuades a person skilled in the art to use such levels and thereby teaches away from the use of antioxidant levels above 0.001%. It therefore could not have been obvious to the person of ordinary skill in the art to increase the antioxidant concentration to 10 to 10000 times the level proposed by Sliva, especially when he states that his stated objects are not met at higher antioxidant levels. Furthermore, Sliva neither states nor suggests that the application of the cleaner prior to the soil deposition (thereby leaving antioxidant behind on the surface) would improve the cleaning afterwards. In short, the present invention uses a narrow selection of the components disclosed by Sliva at a different

concentration to achieve a different effect. In view of this, it is respectfully requested the rejection over Sliva be withdrawn.

With regard to rejection of claims 55 and 57 under 35 USC §103 over Sliva and U.S. Patent No. 6,663,306 to Policicchio et al., (hereafter referred to as "Policicchio"), Policicchio discloses a cleaning apparatus using disposable cleaning pads. Policicchio only suggests some antioxidants in column 19, lines 43 to 46, as radical scavengers. Policicchio does not disclose the antioxidants claimed in claims 1, 2, 55 and 57, does not disclose any required concentration of the antioxidant, and does not suggest a further purpose of the antioxidant. Also, he only suggests the use of an antioxidant in the presence of peroxide. Thus, again, Policicchio suggests the use of an antioxidant for a completely different purpose. In the present invention, applicants claim a specific group of antioxidants which, when applied to a hard surface before soil deposition, prevent the toughening of the soil (e.g., fatty soils) and therefore allows easier cleaning after soil deposition. Clearly, Policicchio does not teach or suggest the method or the composition of the present invention, regardless of their application of another cleaning composition in disposable cleaning pads. Applicants thus respectfully request this rejection be withdrawn.

With regard to rejection of claims under 35 USC §103 over Silva and U.S. Patent No. 4,783,283 to Stoddart (hereafter referred to as "Stoddart"), Stoddart discloses a cleaning composition. However, Stoddart does not mention the presence of an antioxidant, let alone a purpose for it. Thus, the compositions described in Stoddart are not related to the present invention and it is respectfully requested this rejection be withdrawn.

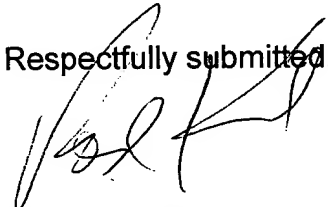
Regarding the Examiner's comments in paragraph 8, applicants again note that, in column 7, lines 47 to 52 of Sliva, Sliva specifically states that his invention does not give the intended results at antioxidant concentrations above 0.001%. This clearly teaches away from increasing the antioxidant concentration when starting from Sliva. This observation together with the newly found effect of applying an antioxidant prior

to the deposition of soil, resulting in easier cleaning of the soiled surface at the high antioxidant levels (0.01 to 10% by weight) described in the present invention, clearly shows that the invention is both novel and unobvious over Sliva.

In view of the arguments above regarding patentability of the invention and the contents of the cited prior art (including references in Information Disclosure Statement to be considered), applicants respectfully request reconsideration of the rejection of the claims as stated by the Examiner in his letter of October 19, 2004.

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Koatz', is written over the text 'Respectfully submitted,'.

Ronald A. Koatz
Registration No. 31,774
Attorney for Applicants

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